

June 26, 2000

Republicans, and Now Even Democrats Agree...

Secretary Richardson Has Failed

Secretary of Energy Bill Richardson has failed. He has failed in his duty to protect the Nation's security. He has failed to implement the law. He has failed to inculcate a commitment to protecting vital U.S. nuclear weapons secrets among his subordinates. He has failed to defer to Congressional prerogatives. And he has failed to take responsibility for the latest security breach of U.S. nuclear weapons data at a Department of Energy (DOE) weapons laboratory, despite his previous insistence that he should be "in charge."

United States Senators, both Democrat and Republican, made these points again and again during two recent Senate hearings. The following excerpts (slightly edited) are taken from unofficial transcripts recorded during the hearing before the Armed Services Committee on June 21, 2000, at which Secretary Richardson testified, and during a joint hearing of the Select Committee on Intelligence and the Energy and Natural Resources Committee on June 14, 2000, which the Secretary refused to attend.

Hearing of the Senate Armed Services Committee, 6/21/00

Senator Byrd, (D-WV), President Pro Tempore

"... I've listened to you today very carefully ... and I have to say, as I think it was William Wordsworth who said, 'No matter how high you are in your department, you are responsible for the actions of the lowliest clerk.'"

I haven't publicly excoriated you and I don't intend today to do that, but I feel like it. I want to say that I think you've been very contemptible of the Congress, in which you served You should know that Congress has a responsibility of oversight over the department. I think there is a mind-set in the department — perhaps in you — that the Congress is to be treated like a lap dog, that those people up there don't know anything about what they are doing"

"... I have been in this Congress a long time, 48 years, and I have voted on several occasions for resolutions providing for contempt of Congress. And I wouldn't have any hesitancy about voting for such a resolution concerning you. You have waited and you have shown a contempt of Congress that borders on a supreme arrogance of this institution."

"... We ought to have confidence in one another of what we have to say ... you have really thrown away a treasure, that treasure being the confidence of the Congress I am sorry that you lost that credibility I think it's a rather sad story that you had a bright and brilliant career — that you would never again receive the support of the Senate of the United States for any office to which you might be appointed. You have squandered your treasure, and I am sorry."

Senator Warner (R-VA), Chairman, Senate Armed Services Committee (SASC)

"Regrettably, this is just one more potentially catastrophic security failure which has become an all-too-familiar pattern of security failures at the Department of Energy. It was one year ago that this committee convened the first of a series of hearings on the allegation of Chinese espionage at the Department of Energy, specifically at the Los Alamos National Laboratory.

Mr. Secretary, on June 23rd of last year, you told this committee in this room, 'The Secretary of Energy must be accountable and must be responsible' for such security failures. Mr. Secretary, as I've said publicly, we are holding you accountable. These incidents happened on your watch. Like the captain of the ship, you must bear full accountability. The buck stops right there on your desk."

Senator Levin (D-MI), Ranking Member, SASC

"We are all very deeply troubled by what has taken place at Los Alamos. This episode and earlier episodes represent massive security failures, and our nation's nuclear weapon secrets are just too important to be handled casually, to be misplaced, and then for the evidence of their misplacement to be covered up and not disclosed to the proper officials at the Department of Energy. This is true whether or not there was espionage, whether or not data has been transferred. There can be no justification. There can be no tolerance for data of this nature to be missing, and then for the fact that it was missing to be nondisclosed or covered up to the proper supervisors."

Senator Shelby (R-AL), Chairman, Senate Select Committee on Intelligence (SSCI)

"... Mr. Secretary, I understand that you were fighting and are fighting a resilient and entrenched culture of indifference to security matters at the labs. Nonetheless, the fight, Mr. Secretary, was yours, and I believe you've lost. I'm afraid, Mr. Secretary, that the culture of indifference towards security has now infected your office Mr. Secretary, I believe that the American people need to know that their secrets are safe. Despite your assurances, I believe they're not."

"... Whether you continue as Secretary of Energy is ultimately the President's call. I can tell you, however, that after the recent events at Los Alamos, and your blatant disregard

for the law — that is, the DOE reorganization that Senator Warner has brought up — I believe you've lost what credibility you have left on Capitol Hill, and I think it's time for you to go, to be responsible, to be accountable to the American people."

Senator Bryan (D-NV), Ranking Member, SSCI

"... And I think that we would all agree that ultimately the responsibility lies with the top person in the organization, but in my judgment, Mr. Secretary, you've been badly served by some of your subordinates. You are responsible, you are accountable. ..."

Senator Cleland (D-GA)

"It does seem to me that with the allegations of espionage last year, with the loss of the hard drives and the finding them under certain circumstances this year ... that the situation regarding security at our national labs and at our nuclear facilities has an Alice in Wonderland quality — it is getting curiouser and curiouser. ..."

"... These are the most serious secrets, the most sensitive secrets this country has to protect, and I can identify with the concept of some of my colleagues that somebody somewhere has to be accountable, and we in the Congress ought to be able to have some confidence in that accountability."

Senator Snowe, (R-ME)

"And yet, time and time again ... you consistently ignored those findings. And when you describe and characterize the actions of Congress in attempting to address and rectify what was and is acknowledged by everyone across the political spectrum ... as a serious problem, you describe it as being petty.

So that's why there's great concern here in Congress: it is your failure to acknowledge that there was a serious problem and it needed to be addressed. We were attempting to address it in a way that would prevent these kinds of lapses. And obviously it happened again. And it shouldn't be a surprise to you, given the fact that everybody who has examined this problem has indicated that there is a problem of great magnitude within the department and within the laboratories."

Joint Hearing of the Senate Select Committee on Intelligence and the Senate Energy and Natural Resources Committee, 6/14/00

Senator Lugar

"Now, one focus of today's hearing is clearly the culpability of the President and the secretary. They have clearly defied what we wanted, what we thought was in the best interest of the country, and in a reckless gamble, they lost. This is a very, very severe problem for the country, for which they bear responsibility, and for which they have not yet answered."

Senator Shelby, Chairman, SSCI

"We invited Secretary Richardson to appear before our two committees to explain why some of their most sensitive nuclear weapons information appears to have walked out the door. Apparently, Secretary Richardson has decided there's something more important to do than account to the American people. It's probably fitting that the Secretary has absented himself from the hearing, because it appears to me that despite his assurances before this committee and to the public to the contrary, he's been absent, in a sense, at the Department of Energy, as our nation's secrets seem to be mishandled, if not to be vanishing."

Senator Bingaman

"I do believe we're dealing with a serious security lapse. . . ."

Senator Murkowski, Chairman, Committee on Energy and Natural Resources

"All along Secretary Richardson has claimed that there was no need for drastic action because he has the labs under control and the national security is adequately protected. Well, clearly it isn't true and that's not the case. We have again learned the hard way that the DOE security is still shamefully inadequate."

Senator Bryan

"Now, you have heard Dr. Browne [Director of the Los Alamos Lab] explain what I have to tell you is an utterly bizarre and unbelievable procedure, that 26 people have access to and from this vault, and they remove materials which they are never required to sign in or sign out . . .

I mean, if you're talking about improving security, would it not improve security to the vault if you had a sign-in/sign-out procedure?"

Senator Domenici (R-NM)

"... Eight months ago, the Congress of the United States passed a law after serious debate that created within this department a semi-autonomous agency. If you read the statute, it's utterly simple: it says there will be a director who is qualified, who will hence

run this department. And the only tie-in to the other Department of Energy, which is full of bureaucracy, and rules and regulation, is that the new director will be responsible to the Secretary; otherwise, he will run it in an autonomous manner.

Now frankly, what the Secretary likes or doesn't like, or what the President likes or doesn't like all fell when the President signed the bill. But he signed it hypocritically, because as he signed it, he said the Secretary can run it, which is clearly not what the law said. And that was not yesterday; it was eight months ago. And we still don't have that semi-autonomous agency — and now another incident occurs."

Senator Lincoln (D-AR)

"There's no doubt that there's an ongoing and enormous disconnect somewhere between what we, the Congress, and Secretary Richardson here in Washington are directing to be done and what's being implemented out in our nuclear labs. From all of the accounts that we've gotten, I think we certainly have a reason to be concerned and alarmed, and a responsibility to get down to what we need to be doing to further the cause of protecting those nuclear secrets."

Senator Campbell (R-CO)

"... This latest security breach by the Department of Energy points to a chronic and severely damaging breakdown in this administration's public protection policies that demand attention. I don't think we can be forceful enough, Mr. Chairman ... Every time we've [the Energy Committee] done a hearing, we've been faced with foot dragging, with delays, with no-shows, with a number of difficult responses from the administration. They clearly have not been here to help us get through this very difficult issue. Their excuses continue to go on."

Senator Allard (R-CO)

"And as I see it, there appears to be a prevailing disregard for U.S. national security not only at the Los Alamos installation, but throughout this administration."

Senator Bunning (R-KY)

"The Congress of the United States spoke on this matter and told you that you weren't getting the job done, and to do it differently. And you didn't pay attention to us. In fact, you did exactly the opposite. You said you could do it from within. ... These senators and the House of Representatives passed a law that told you to do it differently, and you didn't pay attention."

Secretary Richardson's Record

These words are harsh indeed, especially from Democrats who had previously carried the water for Secretary Richardson. Given Richardson's own words and deeds, it is not difficult to understand why Democrats finally could no longer defend the Secretary. A sampling of the Secretary's own quotes explains it all.

"Americans can be reassured: Our nation's nuclear secrets are, today, safe and secure."
[USA Today op-ed, 5/26/99]

"The President has given me responsibility for this new agency for the time being.... The President wants accountability, you want accountability, I want accountability. And I am ready to provide it to the Congress and the President until we find the right Under Secretary for this job."

[Testimony regarding President Clinton's signing statement for the FY 2000 Defense Authorization bill that enacted the DOE reorganization into law, which stated, "Until further notice, the Secretary of Energy shall perform all duties and functions of the Under Secretary for Nuclear Security. The Secretary is instructed to guide and direct all personnel of the National Nuclear Security Administration...." Joint hearing of the Senate Energy and Governmental Affairs Committees, 10/19/99]

"The buck stops with me. I feel this strongly about it that we have to do it right." [Joint hearing, 10/19/99]

"I would assume full responsibility."

[Response to question from Sen. Fitzgerald: "So, if there's a problem, God forbid, with security at our Nation's labs while we have not fulfilled or appointed somebody as Under Secretary in this new agency within an agency, you would be willing to assume full responsibility. . . ." Joint hearing, 10/19/99]

Yet, despite assurances that he would be accountable for any future security lapse, when faced with the most recent episode of breached security at Los Alamos, Richardson immediately began finger-pointing, calling for disciplinary action for his underlings but refusing to take responsibility himself during an interview on *Meet the Press* [6/18/00]:

"There's going to be disciplinary action, there's going to be accountability. The contractor is going to have some explaining to do, the University of California, a number of personnel. I have an outside review by Senator Baker and Congressman Hamilton and an internal review. We are going to take action. I'm going to get to the bottom of this. I'm going to spend my full amount of time on making sure this never happens again . . ."

"You know, I can do all these directives and security procedures and hire all these security experts, almost do it all myself, but I can't get into human heads. And here some individuals need to take personal responsibility . . ."

We Cannot Continue to Tolerate these Losses

Senator Kyl, one of the DOE reorganization legislation sponsors summed up Secretary Richardson's intransigence best:

"Secretary Richardson has fought our efforts at every turn, and has continued to thwart implementation of the reforms. His efforts to implement the reforms have ranged from grudging accommodation to smug disregard for the law. Instead of moving aggressively to implement the security and counterintelligence reforms called for in the law, Secretary Richardson has engaged in a protracted game of political trench warfare."

Senator Kyl's recommendation:

"It's long past time to leave politics behind. We cannot continue to tolerate losses of the sensitive nuclear secrets on which our nation's security depends. The American people expect and deserve better."

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